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Appl. No.: 09/977,451

REMARKS

The last Office Action of October 9, 2003 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-22 are pending in the application. Claims 8-18 are withdrawn from further consideration. Claims 1, 5, 6, 19-22 have been amended. No claims have been canceled or added. No amendment to the specification has been made. No fee is due.

It is noted that claims 1-7 and 19-22 are objected to because of some informalities.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by German Pat. No. DE 39 27 779 to Fischer.

Claims 19, 20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fischer in view of U.S. Pat. No. 5,531,535 to Lind.

It is noted with appreciation that claims 6, 7 and 21 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer amendments to these dependent claims in view of the arguments presented below regarding claims 1 and 19.

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OBJECTION TO THE CLAIMS

Applicant has amended claims 1, 5, 6, 19-22 to address the objections raised by the Examiner. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel. With respect to claim 6, applicant wishes to note that the reference to outside is proper as the radial bore (15) extends from outside in radial direction to the pocket (12), as shown in Fig. 2.

Withdrawal of the objection of the claims is thus respectfully requested.

REJECTION OF CLAIMS 1-5 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY FISCHER

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

The present invention, as set forth in claim 1, is directed to a dowel having a dowel component formed with a **cylindrical** internal thread which has an expansion zone of a thread diameter smaller than a thread diameter of a spreader screw that is threadably engageable in the internal thread. As the internal thread is cylindrical, the expansion zone is, of course, also of cylindrical configuration. The use of the term "constantly" is used here as an adverb to modify the word "smaller" and implies that the thread diameter is of the cylindrical expansion zone in smaller throughout than the thread diameter of the spreader screw. The term "constantly" does not relate to the configuration of the expansion zone as being invariable, as

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opined by the Examiner, who sets forth that the use of "constantly" contradicts the content of claim 4.

In order to be clear on this point, applicant has amended claim 1 by adding --cylindrical-- in conjunction with the expansion zone (although original claim 1 inherently makes this clear, as the internal thread is cylindrical), and by defining an axial length. In addition, claim 4 has been amended to be consistent with the subject matter of claim 1. Applicant asserts that the amendments to claims 1 and 4 have not narrowed these claims to trigger prosecution history estoppel, but merely clarified the purposes of the elements of the combination. These changes are thus cosmetic in nature and do not narrow the claim element to trigger prosecution history estoppel.

The Fischer reference describes a spreader dowel having an expansion zone (3) of **tapered** or **conical** configuration. As a consequence of the conicity, the expansion of the dowel, upon insertion into the cylindrical bore, results merely in a circumferential linear contact pressure against an inside surface of a cylindrical bore, essentially in the outer end zone of the dowel only. See also Fig. 2 of Fischer. Thus, pressure is applied only upon a small area.

In contrast thereto, the cylindrical configuration of the expansion zone of the dowel according to the present invention does not result in a pronounced outer conicity. Rather a substantially cylindrical outer surface is maintained so that the contact pressure is significantly higher, thereby improving the hold in the bore. Reference is made in this context to paragraph [0048] of the instant specification. As described in this paragraph, the cylindrical configuration of the expansion zone

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results in outward bulging of the dowel, when using the dowel in hollow profiles, as also clearly shown in Fig. 7.

For the reasons set forth above, it is applicant's contention that Fischer neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the dependent claims 1 to 7, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1-5 under 35 U.S.C. §102(b) is thus respectfully requested.

REJECTION OF CLAIMS 19, 20, 22 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER FISCHER IN VIEW OF LIND

The rejection under 35 U.S.C. 103(A) is respectfully traversed.

The present invention, as set forth in claim 19, is directed to a dowel assembly which includes in addition to the dowel component set forth in claim 1, a second such dowel component with cooperating spreader screws. Thus, the same arguments apply here, as submitted under the previous heading so that a repetition of the argumentation is omitted for the sake of simplicity.

The Lind reference has been applied to merely show the arrangement of two dowels (anchoring elements 4, 5). That is the extent of the relevancy of Lind.

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For the reasons set forth above, it is applicant's contention that neither Fischer nor Lind, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 10.

As for the rejection of the dependent claims 20-22, these claims depend on claim 19, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §103(a) is thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

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In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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